



GARY R. HERBERT  
Governor

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# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Division of Water Rights

KENT L. JONES  
State Engineer/Division Director

Lee Valley Ranch, Lee Brothers  
101 Ranch Road  
Virgin, UT 84779  
RE: SEAA 1504

February 3, 2015

Dear Alan,

Recently, I asked the water commissioner to conduct an inspection of your diversion for compliance with the referenced agency action. On January 30, 2015, He found the diversion with a measuring device installed but no control gate. The diversion had over 5 CFS running through diversion into the measuring device and down the canal. "Off Season" water associated with this point of diversion (POD) is limited to .33 CFS until March 15<sup>th</sup>. (See listing below)

As a follow up to our phone call today, I understand you are working towards completing the requirements and installing a control gate on your diversion as detailed under SEAA 1504. Although the measuring device is installed, a lockable control gate is still required.

Per my letter of October 2, 2014, The existing requirements under the SEAA 1504 remain in effect at this time; **specifically no water may be diverted until an approved measuring device and headgate control are both installed and functioning per the order.** Both requirements must be in place and inspected before water is diverted. Without measurement devices in place, there is no way to provide proper administration of the limited Virgin River water resource. Our records indicate that your senior diversion rights prior to the year 1900 total are 0.33 CFS or about 148 GPM (year round).

The post 1900 water rights are 5 CFS (Period of use {after earlier priority has been met} are from March 15<sup>th</sup> – Nov 15<sup>th</sup> each year) and all this POD's Water Rights grand total to **5.33 CFS**. At this time, and until further notice, your diversion should not exceed .33 CFS, and should not be diverting until a control gate is in place.



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If this diversion continues to operate without a operable control gate and measuring device it will be referred to the Water Rights Enforcement Section. Please be aware that fines range from \$1500 to \$5000, per day of violation.

During the winter season, most of the Virgin River water rights shift from irrigation to stock water, however a number of rights located downstream of your diversion are directed to storage which all still have an earlier priority. It is likely the Virgin River Priority Call will remain in effect through the spring of 2015. This limits diversions with priority dates after 1900.

If you have any questions, please contact the Water Commissioner: David Jessop at 435 688-7416 to discuss required installations and follow up inspection. You may also contact Mike Silva, Distribution Engineer by phone at (801) 538-7430 or by email at [MikeSilva@Utah.Gov](mailto:MikeSilva@Utah.Gov).

Sincerely,



Mike Silva  
Distribution Engineer

cc: Kurt Vest, Regional Engineer  
David Jessop, Virgin River Commissioner  
Distribution File: Virgin River  
Enforcement Section  
SEAA 1504 Correspondence file